

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ROBERT A. ROSENER, et al.,)
Plaintiffs,)
v.)
DAN BULLOCK, et al.,)
Defendants.)
No. 4:05-CV-1419 CAS

MEMORANDUM AND ORDER

This matter is before the Court on defendant Lake Timberline Board of Trustee, Inc.'s motion to compel discovery responses from plaintiffs.

Eastern District Local Rule 3.04(A) provides with respect to motions concerning discovery and disclosure:

The Court will not consider any motion relating to discovery and disclosure unless it contains a statement that movant's counsel has **conferred in person or by telephone** with the opposing counsel in good faith or has made reasonable efforts to do so, but that after sincere efforts to resolve their dispute, counsel are unable to reach an accord. This statement also shall recite the date, time and manner of such conference, and the names of the individuals participating therein, or shall state with specificity the efforts made to confer with opposing counsel.

E.D. Mo. L.R. 3.04(A) (emphasis added).

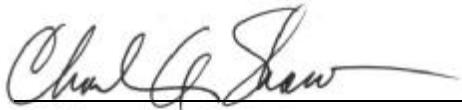
Defendant's motion is accompanied by a certificate stating that its counsel sent a letter to plaintiff's counsel concerning the outstanding discovery requests. The local rule, however, requires a conference in person or by telephone, along with details concerning the conference, or a statement of the reasonable efforts made to confer in person or by telephone. The sending of correspondence

concerning discovery is insufficient to constitute a good faith attempt to resolve the dispute under the local rule.

As a result of defendant's failure to comply with Local Rule 3.04(A), the Court will not consider the instant motion and will deny the same without prejudice. Counsel is also advised that this Court only addresses discovery motions at its monthly discovery motion docket. Please see the Case Management Order, ¶4.f., and the undersigned's Judge's Requirements at the Eastern District of Missouri's Internet website, www.moed.uscourts.gov, for additional information concerning the discovery motion docket.

Accordingly,

IT IS HEREBY ORDERED that defendant Lake Timberline Board of Trustee's motion to compel is **DENIED without prejudice**. [Doc. 39]



CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 22nd day of August, 2006.